

CASE NO: 2016-0623  
DATE REC'D: 07/26/2016  
SPECIALIST:  
RELATED CASE:

**From:** [DeSalvo, Andrew](#)  
**To:** [FOIA Resource](#)  
**Cc:** [R2Allegations Resource](#); [Haney, Catherine](#)  
**Subject:** [External\_Sender] FOIA DESCRIPTION OF RECORDS: design control measures ICW, CCW, CCS Turkey Point Units 3 and 4; Allegation Report RII-2016-A-0014  
**Date:** Monday, July 25, 2016 2:34:43 PM

---

Andrew DeSalvo  
(b) (6)

July 25, 2016

U.S. Nuclear Regulatory Commission  
FOIA Officer  
Mailstop: T-5 F08  
Washington, DC 20555-0001  
Fax: 301-415-5130  
Email: [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov)

Regional Administrator: Catherine Haney  
"HaneyCatherine" <[Catherine.Haney@nrc.gov](mailto:Catherine.Haney@nrc.gov)> U.S. NRC Region II Marquis One Tower  
245 Peachtree Center Avenue N.E., Suite 1200 Atlanta, GA 30303

SUBJECT: FOIA DESCRIPTION OF RECORDS: design control measures ICW, CCW, CCS Turkey Point Units 3 and 4; Allegation Report RII-2016-A-0014

To whom it may concern; / my dear Madam REGIONAL ADMINISTRATOR U.S. NRC Region II

Thanks for your interest in a FREEDOM OF INFORMATION ACT REQUEST; RII-2016-A-0014 Turkey Point.pdf July 22, 2016 Catherine Haney Regional Administrator Re: Telephone conversation on July 19, 2016

REQUESTOR believes the records are described (see DESCRIPTION 2., enclosed below) by George T. Hopper, Chief Reactor Projects Branch 7 Division of Reactor Projects, as follows:

CITE

IR 05000250-12-011, 05000251-12-011, on July 16 - August 2, 2012, Turkey Point Nuclear Plant, Units 3 and 4, Biennial Inspection of the Problem Identification and Resolution Program. ML12279A246 10/09/2012 09:45 AM EDT 10/05/2012 145.8 Kb

DESCRIPTION OF RECORDS

"design control measures for ICW, CCW, and the cooling canal system correctly translated into specifications, drawings, procedures, and instructions"; and,

submitted after July 16 - August 2, 2012, Turkey Point Nuclear Plant, Units 3 and 4, Biennial Inspection of the Problem Identification and Resolution Program.

Thanks again for your interest in a FREEDOM OF INFORMATION ACT REQUEST; RII-2016-A-0014 Turkey Point.pdf July 22, 2016 Catherine Haney Regional Administrator Re: Telephone conversation on July 19, 2016

Yours sincerely,

ANDREW DeSALVO

enclosure

DESCRIPTION 1.) by the REGIONAL ADMINISTRATOR U.S. NRC Region II, as follows:

CITE

SUBJECT: CONCERNS YOU RAISED TO THE NRC REGARDING TURKEY POINT NUCLEAR PLANT - ALLEGATION REPORT RII-2016-A-0014 July 22, 2016 Catherine Haney Regional Administrator RII-2016-A-0014

REFERENCE

"3. There are some 2012 documents (presumably associated with our inspection activities) that should be in ADAMS but cannot be found".

DESCRIPTION 2.) by George T. Hopper, Chief Reactor Projects Branch 7 Division of Reactor Projects, as follows:

CITE

IR 05000250-12-011, 05000251-12-011, on July 16 - August 2, 2012, Turkey Point Nuclear Plant, Units 3 and 4, Biennial Inspection of the Problem Identification and Resolution Program. ML12279A246 10/09/2012 09:45 AM EDT 10/05/2012 145.8 Kb

REFERENCE

"on and before August 2, 2012, the licensee failed to assure that the design control measures for ICW, CCW, and the cooling canal system were correctly translated into specifications, drawings, procedures, and instructions".

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-----  
On Mon, 7/25/16, FOIA Resource <FOIA.Resource@nrc.gov> wrote:

Subject: RE: Allegation Report RII-2016-A-0014; FREEDOM OF INFORMATION ACT REQUEST; CONFIRMATION RII-2016-A-0014 Turkey Point.pdf July 22, 2016 Catherine Haney Regional Administrator Re: Telephone conversation on July 19, 2016

To: "DeSalvo, Andrew" (b) (6) "FOIA Resource" <FOIA.Resource@nrc.gov>

Cc: "R2Allegations Resource" <R2Allegations.Resource@nrc.gov>, "Haney, Catherine"

<Catherine.Haney@nrc.gov>

Date: Monday, July 25, 2016, 5:23 AM

Mr. DeSalvo,

We have received your FOIA request and am seeking clarity of the records being sought. You've provided as an attachment the letter dated July 22, 2016, "Concerns You Raised To The NRC Regarding Turkey Point Nuclear Plant - Allegation Report RII-2016-A-0014, thus you listed this as description one. Please specify the records you are seeking so that we may proceed with the search.

Thank you.

FOIA/Privacy Act Information Collections  
Branch  
Customer Service Division  
U.S. Nuclear Regulatory Commission  
Location: T-5F18 | Mailstop: T-5F09  
301-415-7169 FOIA.Resource@nrc.gov

-----Original  
Message-----

From: DeSalvo, Andrew  
[mailto:(b) (6)]

Sent: Friday, July 22, 2016 5:51 PM  
To: FOIA Resource <FOIA.Resource@nrc.gov>  
Cc: R2Allegations Resource <R2Allegations.Resource@nrc.gov>;  
Haney, Catherine <Catherine.Haney@nrc.gov>  
Subject: [External\_Sender] Allegation Report  
RII-2016-A-0014; FREEDOM OF INFORMATION ACT REQUEST;  
CONFIRMATION RII-2016-A-0014 Turkey Point.pdf July 22, 2016  
Catherine Haney Regional Administrator Re: Telephone  
conversation on July 19, 2016

Andrew DeSalvo  
(b) (6)  
(b) (6)

July 22, 2016

U.S. Nuclear Regulatory  
Commission  
FOIA Officer

Mailstop: T-5 F08  
Washington, DC  
20555-0001  
Fax: 301-415-5130  
Email: FOIA resource@nrc.gov

Regional Administrator:  
Catherine Haney  
"HaneyCatherine"  
<Catherine.Haney@nrc.gov>  
U.S. NRC Region II Marquis One Tower

245  
Peachtree Center Avenue N.E., Suite 1200 Atlanta, GA  
30303

SUBJECT: Allegation  
Report RII-2016-A-0014; FREEDOM OF INFORMATION ACT REQUEST;  
CONFIRMATION RII-2016-A-0014 Turkey Point.pdf July 22, 2016  
Catherine Haney Regional Administrator Re: Telephone  
conversation on July 19, 2016

To whom it may concern; / my dear Madam  
REGIONAL ADMINISTRATOR U.S. NRC Region II

Thanks for your interest in  
Allegation Report RII-2016-A-0014.

ALLEGER makes this request for information,  
pursuant to the FREEDOM OF INFORMATION ACT (FOIA) for  
records, described as follows:

Description of Records:

DESCRIPTION 1.) by the REGIONAL ADMINISTRATOR  
U.S. NRC Region II, as follows:

CITE

SUBJECT:  
CONCERNS YOU RAISED TO THE NRC REGARDING TURKEY POINT  
NUCLEAR PLANT - ALLEGATION REPORT RII-2016-A-0014 July 22,  
2016 Catherine Haney Regional Administrator  
RII-2016-A-0014

REFERENCE

"3. There are some 2012 documents  
(presumably associated with our inspection activities) that  
should be in ADAMS but cannot be found".

DESCRIPTION 2.) by George T.  
Hopper, Chief Reactor Projects Branch 7 Division of Reactor  
Projects, as follows:

CITE

IR  
05000250-12-011, 05000251-12-011, on July 16 - August 2,  
2012, Turkey Point Nuclear Plant, Units 3 and 4, Biennial  
Inspection of the Problem Identification and Resolution  
Program. ML12279A246 10/09/2012 09:45 AM EDT 10/05/2012  
145.8 Kb

REFERENCE

"on and before August 2,  
2012, the licensee failed to assure that the design control  
measures for ICW, CCW, and the cooling canal system were

correctly translated into specifications, drawings, procedures, and instructions".

#### Fee categorization

I am an individual seeking information for personal use and not for a commercial use.

#### Expedited Processing.

Failure to obtain requested records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. [See OFFICIAL EXHIBIT - NRC-025-00-BD01 - Florida Power and Light, Root Cause Evaluation for CR Number 1979235, "Canal Temperature Exceeded 100 degrees F" (Nov. 21, 2014) (ADAMS Accession No. ML15128A656).]

#### Fee Waiver

- 1.) Describe the purpose for which I intend to use the requested information is: See ML16019A326 Limited Appearance Statement.
- 2.) Explain the extent to which you will extract & analyze the substantive content of the records: See Allegation Report RII-2016-A-0014, and IP71111.07, Heat Sink Inspection for Turkey POINT (ADAMS Accession Number ML16187A399).
- 3.) Describe the nature of the specific activity or research in which the records will be used & the specific qualifications you possess to utilize information for the intended use in such a way that it will contribute to public understanding: see IP71111.07, Heat Sink Inspection for Turkey POINT (ADAMS Accession Number ML16187A399); see ML16019A326 Limited Appearance Statement.
- 4.) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure: inspectors may request information on items such as cooling canal system specifications, drawings, procedures, and instructions.
- 5.) Describe the size & nature of the public to whose understanding a contribution will be made; citizens of the state of Florida, and the United States of America.
- 6.) Describe the intended means of dissemination to the general public: NRC ADAMS.
- 7.) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee: see NRC ADAMS.
- 8.) Describe any commercial or private interest you or any other party has in the agency records sought: FPL (LICENSEE) is a wholly owned subsidiary of NextEra Energy, Inc. NEE (NYSE).

Please find  
CITATIONS and REFERENCES enclosed below, for your  
information.

Thanks again  
for your attention to this Freedom of Information Act  
Request.

Yours  
sincerely,

ANDREW  
DeSALVO

1  
Attachments286KB  
PDF RII-2016-A-0014 Turkey  
Point.pdf  
286KB

enclosure

CITATIONS and REFERENCES

ANNEX I

CITE

IR  
05000250-12-011, 05000251-12-011, on July 16 - August 2,  
2012, Turkey Point Nuclear Plant, Units 3 and 4, Biennial  
Inspection of the Problem Identification and Resolution  
Program. ML12279A246 10/09/2012 09:45 AM EDT 10/05/2012  
145.8 Kb

REFERENCE

Analysis: The failure to  
maintain the CCW heat balance calculation to ensure the  
plant could meet their design basis to perform heat removal  
for normal cool down of the facility, and to mitigate the  
effects of accident conditions within acceptable limits is a  
performance deficiency. The inspectors determined that the  
performance deficiency was more than minor because the  
calculation errors impacted the Mitigating Systems  
cornerstone objective to ensure the capability of the CCW  
system to respond to initiating events to prevent  
undesirable consequences and affected the cornerstone  
attribute of Design Control.

(3) Findings

.1 Introduction:

The inspectors identified a non-cited violation of 10 CFR  
50, Appendix B, Criterion III, Design Control, for the  
licensee's failure to translate the worse case total post  
accident ICW flow rate for CCW heat exchangers, as  
documented in calculation

PTN-4FSM-04-003

Revision 2, into surveillance, 3/4-OSP-030.4, CCW Heat Exchanger

(HX) Performance Test. In

addition, the licensee failed to incorporate seasonal salinity variances into calculation PTN-BFJM-96-004, "HX3 and HX4 Computer Code Verification." The effects of these two discrepancies was a reduction in maximum allowed canal temperature margin by approximately 1.5% or 1.5 degrees Fahrenheit.

The licensee performed an immediate and past operability review and subsequently determined the CCW and ultimate heat sink (cooling canal system (CCS)) systems remained operable.

Description: The inspectors reviewed design basis documents, procedures, and surveillances for both Unit 3 and Unit 4 ICW and CCW systems. To satisfy CCW Technical Specification requirement 3/4.7.2.b.2, the licensee performed surveillance 3/4-OSP-030.4, which determined CCW heat exchanger performance.

The inspectors questioned if large modifications had occurred, or if lessons learned from EPU analyses had changed any software assumptions and inputs for the CCW heat exchanger performance monitoring, and if any findings discovered may have impacted past operability for either units, or if Unit 4 design documents were affected prior to EPU

Enforcement:

10 CFR Part 50, Appendix B, Criterion III, "Design Control" requires, in part, that measures shall be established to assure that that applicable regulatory requirements and the design basis, as defined in Part 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures, and instructions. Design control measures shall be applied to items such as the following: reactor physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials; accessibility for inservice inspection, maintenance, and repair; and delineation of acceptance criteria for inspections and tests.

Contrary to the above, on and before August 2, 2012, the licensee failed to assure that the design control measures for ICW, CCW, and the cooling canal system were correctly translated into specifications, drawings, procedures, and instructions.

ANNEX II

ALLEGATION REPORT RII-2016-A-0014; REACTOR SAFETY BASELINE INSPECTION PROCEDURES (OIG-16-A-12); Inspection Activity IP 7111107T HS - TRIENNIAL HEAT SINK

PERFORMANCE 07/18/2016 related to allegation assessment; "on and before August 2, 2012, the licensee failed to assure that the design control measures for ICW, CCW, and the cooling canal system were correctly translated into specifications, drawings, procedures, and instructions".

Monday, July 18, 2016  
3:21 PM Mark as Unread

From:

"DeSalvo  
Andrew" (b) (6)

To:

"HaneyCatherine"  
<Catherine.Haney@nrc.gov>

Cc:

R2Allegations.Resource@nrc.gov

Andrew DeSalvo

(b) (6)  
(b) (6)

July 18, 2016

Regional Administrator:

Catherine Haney

"HaneyCatherine"

<Catherine.Haney@nrc.gov>

U.S. NRC Region II Marquis One Tower

245

Peachtree Center Avenue N.E., Suite 1200 Atlanta, GA

30303

SUBJECT: ALLEGATION

REPORT RII-2016-A-0014; REACTOR SAFETY BASELINE INSPECTION

PROCEDURES (OIG-16-A-12); Inspection Activity IP 7111107T HS

- TRIENNIAL HEAT SINK PERFORMANCE 07/18/2016 related to

allegation assessment; "on and before August 2, 2012,

the licensee failed to assure that the design control

measures for ICW, CCW, and the cooling canal system were

correctly translated into specifications, drawings,

procedures, and instructions".

To whom it may concern; / Catherine Haney

Thanks for the opportunity to

provide information on Audit of NRC's Reactor Oversight

Process: REACTOR SAFETY BASELINE INSPECTION PROCEDURES

(OIG-16-A-12), Missing Mandatory Activities, Inadequate

Assessment, and Inconsistent Inspections actions taken or

planned on each of the recommendations subject to OIG

followup as stated in Management Directive 6.1.; in re:

Allegation Report RII-2016-A-0014.

I.) ALLEGER made REFERENCE to DOCKET NOS.

50-250 and 50-251; and, ALLEGER made a REQUEST FOR



INFORMATION (RFI) for documents available from the licensee, in support of the AGENDA for the Call With NRC Engineer(s) - July 20, 2016 Location of Alleger Interview; i.e.,

- 1.) Inspection Activity IP  
7111107T HS - TRIENNIAL HEAT SINK PERFORMANCE 07/18/2016
- 2.) ML16019A326 Limited Appearance Statement
- 3.) FOIA/PA-2016-00225 Acknowledgment Letter in re: Turkey Point Nuclear Plant Cooling Canal System Sediment Removal Project
- 4.) Topographic and Bathymetric Survey, Turkey Point Cooling Canals, Miami - Dade County, Florida, for Florida Power and Light Company, June 2, 2010.
- 5.) Turkey Point Nuclear Plant Corrective Action Program (CAP) Action Request (AR) AR 192493 -06

## II.) ALLEGER

made a reading of the record pertaining to Unit Number 3, 4 Inspection Activity IP 7111107T TRIENNIAL HEAT SINK PERFORMANCE 07/18/2016; and, the record shows:

Letter to Mano Nazar from  
LaDonna B. Suggs dated March 2, 2016  
SUBJECT: ANNUAL ASSESSMENT LETTER FOR TURKEY POINT NUCLEAR GENERATING STATION UNIT 3 AND UNIT 4 (NRC INSPECTION REPORT 05000250/2015006 AND 05000251/2015006)  
DISTRIBUTION: D. Gamberoni, RII

III.) ALLEGER believes that additional information from the ALLEGER may be required in order for the NRC to perform an effective review of the RII-2016-A-0014 concern(s); and, such information would help NRC focus the review effort.

Allegation Manual, Revision 1. ML15147A700  
3.2.o.3 10 CFR 19.15 – Consultation with Workers during Inspections 10 CFR 19.15(b) indicates that during the course of an inspection, any worker may privately bring to the attention of the inspector, either orally or in writing, any past or present condition which he/she has reason to believe may have contributed to or caused any violation of NRC requirements,

## IV.) ALLEGER

believes that, on and before August 2, 2012, the licensee failed to assure that the design control measures for ICW, CCW, and the cooling canal system were correctly translated into specifications, drawings, procedures, and instructions (see ANNEX I).

NOW,  
THEREFORE, ALLEGER believes

Missing Mandatory Activities, Inadequate Assessment, and Inconsistent Inspection actions are taken or

planned, pertaining to

ANNUAL ASSESSMENT LETTER FOR TURKEY POINT  
NUCLEAR GENERATING STATION UNIT 3 AND UNIT 4 (NRC INSPECTION  
REPORT 05000250/2015006 AND 05000251/2015006) Inspection  
Activity IP 7111107T HS - TRIENNIAL HEAT SINK PERFORMANCE  
07/18/2016.

Yours  
sincerely,

ANDREW DeSALVO

enclosure

CITE

OIG-16-A-12- Audit Report of NRC's Reactor  
Oversight Process: Reactor Safety Baseline Inspections Final  
Report dated April 6, 2016. ML16097A515 04/06/2016  
03:59 PM EDT 04/06/2016 1.19 Mb

<http://www.nrc.gov/docs/ML1609/ML16097A515.pdf>

REFERENCE

What We Found

Mandatory and Discretionary Activities Unclear  
Mandatory and discretionary activities in baseline  
inspection procedures are unclear to NRC staff and managers  
responsible for performing and overseeing baseline  
inspections. Some inspection procedures contain language  
that is unclear as to which steps are mandatory and which  
steps are discretionary. For example, under "Inspection  
Requirements" in What Is Required What We Found Audit of  
NRC's Reactor Oversight Process: Reactor Safety Baseline  
Inspection Procedures

5

Figure 2, "shall" in the first sentence is  
a mandatory requirement and other words, such as  
"should" and "consider," are discretionary yet  
appear under the same heading, "Inspection  
Requirements."

NRC staff

and managers expressed difficulty distinguishing mandatory  
and discretionary activities in some baseline inspection  
procedures. OIG interviewed 41 staff and managers<sup>2</sup>  
responsible for performing and overseeing inspections, and  
managing inspection procedures. Sixty-three percent  
acknowledged some inspection procedures were not clear.  
Further, 63 percent of inspectors noted issues  
with inspection procedure clarity. Several inspectors also  
mentioned they rely on experience to judge which activities  
are mandatory and which are discretionary rather than solely

rely on inspection procedures. Several inspectors also said they completed inspection activities whether activities were mandatory or discretionary and 37 percent of inspectors explained they viewed words such as “should” as indicating a mandatory activity. Further, a headquarters director concluded inspectors in the regions and headquarters staff responsible for managing the inspection procedures do not always interpret inspection procedure mandatory and discretionary language the same way.

#### Why This Occurred

##### Inadequate Controls to Ensure Clarity

Mandatory and discretionary activities listed in some baseline inspection procedures are unclear to NRC inspectors and managers because NRC does not have controls in place to ensure clear and consistent language is used to differentiate mandatory and discretionary activities.

#### Why This Is Important

Missing Mandatory Activities, Inadequate Assessment, and Inconsistent Inspections NRC risks inspectors not performing activities deemed mandatory and performing unneeded discretionary activities because mandatory and discretionary activities in inspection procedures are unclear. NRC also risks inadequate assessment of safety cornerstones and inconsistent inspections across regions.

OIG did not identify specific instances where unclear language led to inadequate assessments; however there is additional risk associated with how the agency is assured inspectors perform activities deemed mandatory in inspection procedures, given the varying interpretations of mandatory and discretionary. NRC relies on completion of inspection procedures for assurance that each safety cornerstone has had an adequate assessment, and this assessment is a key input into NRC’s assessment of whether nuclear reactor licensees operate safely. Further, unclear language for mandatory and discretionary activities could lead to inconsistent inspections. A headquarters director contended that sometimes regional staff interpret mandatory and discretionary language differently, which leads to inconsistent performance of baseline inspection procedures across the regions.

##### Recommendations

OIG recommends that the Executive Director for Operations 1. Develop and implement controls to ensure mandatory and discretionary language used in inspection procedures is clear and consistent.

2.

Notify staff and managers of controls developed to ensure that mandatory and discretionary language used in inspection procedures is clear and consistent.

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--- On Fri, 7/22/16, R2Allegations Resource  
<R2Allegations.Resource@nrc.gov>  
wrote:

> From:  
R2Allegations Resource <R2Allegations.Resource@nrc.gov>  
> Subject: Allegation Report RII-2016-A-0014  
- Re: Telephone  
> conversation on July  
19, 2016  
> To: "DeSalvo,  
Andrew" (b) (6)  
> Date: Friday, July 22, 2016, 12:31 PM  
> Mr. DeSalvo,  
>  
> Enclosed is correspondence pertaining to  
your telephone call on July  
> 19, 2016,  
with Mr. Leonard Wert, Deputy Regional Administrator and Ms.  
  
> Cathy Haney, Regional Administrator in  
reference to Allegation Report  
>  
> RII-2016-A-0014. Please confirm receipt of this email and  
its

> attachments. Thank you.

>